IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Crl.MC.No. 1167 of 2007()

CC.759/2003 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
CRIME NO. 153/98 OF CENTRAL POLICE STATION

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PETITIONER/ACCUSED:

BABURAJ, S/O. VALSARAJAN, KATTATHARA HOUSE
S.R.M. ROAD, ERNAKULAM.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS/COMPLAINANT:

THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
REP. BY SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 1167 of 2007

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Dated this the 12th day of April, 2007

O R D E R

The The petitioner faces indictment in a prosecution, inter alia, under Section 324 r/w. 149 I.P.C. All offences alleged are summons offences. The substantive offences alleged are all compoundable. The proceedings were initiated as early as in 2003. The crime was registered in 1998. According to the petitioner, he has secured an employment abroad. He has to join on 15.6.2007. He prays that there may be a direction to the learned Magistrate for early disposal of the case.

2. Did the petitioner move the learned Magistrate? Did he apprise the learned Magistrate of the pressing necessity for early disposal? Why is it that he comes3 to this Court without moving the learned Magistrate? This court cannot possibly consider all such applications at the first instance. Discipline in proceedings demand that the petitioner must have moved the Magistrate at the first instance for such relief. I am therefore not persuaded to issue any specific direction. The plight of the petitioner does evoke sympathy.

His prospects in employment cannot be permitted to be affected by the pendency of this case. All offences appear to be summons offences. The petitioner's request that either the case may be disposed of before he leaves to take up his employment abroad or that he may be permitted to be represented by counsel, in this case, where all offences are summons offences does deserve to be considered sympathetically and favourably by the learned Magistrate. The petitioner can apply before the learned Magistrate.

3. With the above observations, this Crl.M.C. is dismissed.

4. Hand over copy to the learned counsel for the petitioner.

(R. BASANT)
Judge

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